invention to pick of the directions to perform stretching in the machine direction first (machine) before the second direction (transverse)."

This rejection is traversed. The Examiner has overlooked the fact that the comparative data in Table 2 of the present application clearly rebuts the Examiner's allegation. In point of fact, the present application clearly shows in Table 2 that Comparative Example 4 and 5, which are attempts at making the permeable layer of Laney's extruded film as a monolayer, without a base layer, are **not manufacturable**. Furthermore, Laney explicitly teaches that the permeable microvoided sheet comprises both a permeable layer and a base layer integrally extruded (column 2, lines 38-41). Hence, Laney cannot possible teach forming a monolayer of permeable microvoided sheet of polylactic acid. In fact, a fair reading of the teachings of Matsumoto and Laney is that it would be surprising that a monolayer film of polylactic-acid-based material having interconnected microvoids around inorganic particles could be obtained. The microvoids would obviously make it considerably more difficult to extrude as a monolayer, so the fact that Matsumoto can extrude a polylactic-acid-based material that is not microvoided certainly does not suggest, and there is no suggestion otherwise, that one could extrude a polylactic-acid-based material that is microvoided. In fact, the prior art teaches the opposite. It is possible to extrude a monolayer of non-microvoided polyester, but that a microvoided layer must be integrated with a microvoided layer to avoid tearing.

As indicated in the previous responses, and as conceded by the Examiner, Matsumoto does not teach blending inorganic particles into a melt comprising polylactic-acid-based material and forming interconnected microvoids. Laney, on the other hand teaches forming microvoids in poly(ethylene terephthalate) polyester and says nothing with respect to polylactic-acid-based materials. A key point is that none of the polyesters mentioned by Laney US Patent No. 6,379,780 that were evaluated for the open-cell voided absorbent layer could be produced as a mono-layered film without tearing during manufacturing. That is why Laney US Patent No. 6,379,780 claims a multi-layered film. The present invention is based on the unobvious discovery with a polylactic-acid material that the inventors were able to manufacture (without tearing) the open-celled absorbent layer as a mono-layered film, which has significant value.

The Examiner states that Laney does not disclose a prediction of failure when made as a monolayer. However, unobviousness does not require that the prior art predict that an Applicants' invention would fail. The standard of "predicted failure" is nowhere to be found in 35 USC §103. Moreover, the present application has shown experimentally that failure would, in fact, have occurred had Laney made a monolayer, which is probably why a monolayer was neither disclosed nor claimed.

The Examiner further states that Matsumoto teaches stretching a monolayer with inorganic material in the blend. However, clearly, Matsumoto teaches against a permeable microvoided monolayer, since such a monolayer would not be a transparent film and would destroy the desired tensile strength.

Matsumoto is interested in making films that are transparent and exhibit a higher tensile stretch. Microvoiding the material would destroy transparency and seriously weaken the tensile strength, which is why any motivation by Matsumoto to microvoid the material is seriously absent. In sum, neither Matsumoto nor Laney, alone or in combination, teach a microvoided monolayer of polylactic-acid-based material and, in fact, teach against it.

Te extruded material of the present invention is useful as a material for a porous inkjet receiver in which the open-celled structure would allow for liquid water to be significantly absorbed. Having strived to create such structures for some time, the present inventors have found that only at inorganic loadings above 60% by weight and with biaxial stretch ratios of greater than 3.0 X 3.0 can significantly absorptive films be attained with polylactic acid. None of the examples presented by Matsumoto et al. have both these requirements of high inorganic loadings and biaxial stretching that are necessary to produce the monolayer film having the requiring permeable microvoiding. In fact the examples in Matsumoto et al. would have no liquid absorption characteristics, which is clearly desired and required by Matsumoto.

It is clear that the Examiner's rationale for combining Matsumoto et al. and Laney et al. selectively picks from each reference only what might in isolation might teach a given feature of the present invention, while ignoring any accompanying feature that teaches against the invention or the combination. Without any coherent rationale for such selective picking and choosing and combining, the rejection is based entirely on hindsight based on Applicants' own disclosure obtained only after considerable research and development efforts and expense.

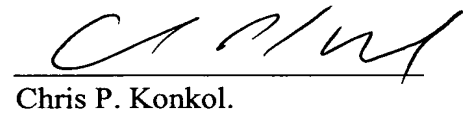
In view thereof, it follows that the subject matter of the claims would not have been obvious over Matsumoto et al. in view of Laney et al. at the time the invention was made.

Applicants have reviewed the prior art made of record and believe that singly or in any suitable combination, they do not render Applicants' claimed invention unpatentable.

In view of the foregoing remarks and amendment, the claims are now believed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



Chris P. Konkol.
Attorney for Applicant(s)
Registration No. 30,721

CPK:clb
Rochester, NY 14650
Telephone: (585) 722-0452
Facsimile: (585) 477-1148